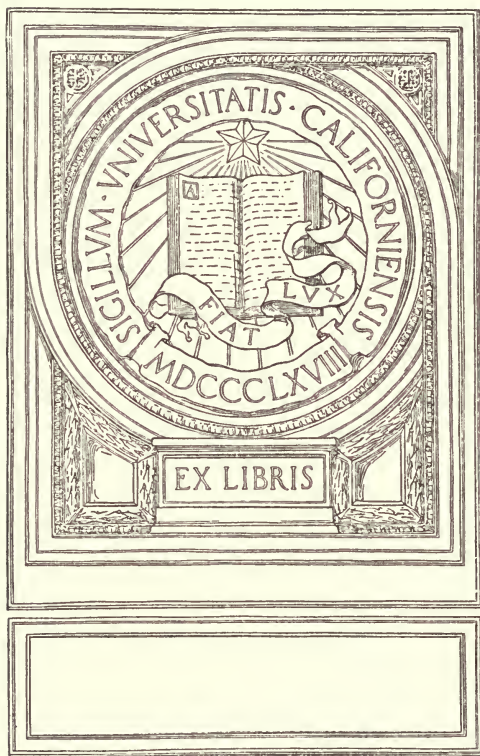


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THE  
LIFE, CHARACTER, AND WRITINGS  
OF  
FRANCIS LIEBER.

A DISCOURSE

DELIVERED BEFORE THE

HISTORICAL SOCIETY OF PENNSYLVANIA,

*JANUARY 13, 1873.*

BY

HON. M. RUSSELL THAYER,  
ASSOCIATE JUDGE OF THE DISTRICT COURT FOR THE CITY  
AND COUNTY OF PHILADELPHIA.



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## DISCOURSE.


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IN a letter from Rome, dated June 7, 1822, Barthold George Niebuhr, the historian of Rome, wrote thus to his sister-in-law, Madame Hensler:—

“A young man, Lieber of Berlin, has arrived here who went as a volunteer to Greece, and at length returned, partly not to die of hunger, partly because the rascality of the Moreans and their cowardice became insufferable to him. His veracity is beyond suspicion and his tales fill the hearer with horror. He is sad and melancholy, because his soul is very noble. He interests and touches us much, and we try to cheer him by kindness. He belongs to the youth of the beautiful time of 1813, when he fought and was severely wounded. He is now here without a cent. I shall help him at any rate.”<sup>1</sup> The young man, whose arrival in Rome was thus noticed, was twenty-two years of age. Of a gentle, but brave and self-reliant nature, of studious habits, a philosophical turn of mind, and very fond of books, he had already experienced much of the roughest discipline of life. His

<sup>1</sup> Biographic Information (Lebensnachrichten) concerning Barthold George Niebuhr, from Letters by himself and Recollections of some of his intimate friends. Vol. ii. p. 496, Hamburg, 1838, 3 vols.


 few years had been divided between the gymnasium, the university, the camp, and foreign lands. He was yet to become one of the profoundest and clearest writers upon political science of the present century, one of the chief ornaments of the world of letters, the expounder of the principles of civil liberty, and one of the truly great men of his adopted country. In his later years he used to say that his life consisted of many geological layers.


 FRANCIS LIEBER, a son of Frederic William Lieber, was born on the 18th March 1800, in a house situated in the Breite Strasse of Berlin—the same street in which, on his birth-day in 1848, the chief fight took place between the King's troops and the people. His father, a man of business, had lost much of his property during the war, and having a large family, great economy was necessary. Young Lieber was brought up in the most simple habits, and accustomed to a hardy life. His childhood fell in the momentous times of Napoleon's gigantic wars. He once related to me that he well remembered, when a child of six years, sitting in the window of his father's house and crying bitterly as he beheld the French army marching into Berlin after the disastrous day of Jena. From his earliest school years he was an ardent student, and a favorite with his teachers; always receiving excellent testimonials. Some of these he preserved. Among them that of the clergyman who had prepared him for confirma-

tion, who spoke of his great desire for instruction, and of his earnest devotion. At school he was distinguished for his love of truth and justice. He was fond of athletic exercises, and was a great "Turner" under Jahn. He was an excellent swimmer, an accomplishment of which he afterwards made use when he first came to Boston, where he established a swimming school. He informed me that upon one occasion he swam four hours without resting. At the age of fifteen his studies were interrupted by the loud blast of that trumpet of war which again called the youth of Germany to the defence of the homes which all supposed had been rendered secure by the victory of Leipzig two years before.

In his "Letters to a gentleman in Germany," republished in England under the title of "The Stranger in America," Lieber relates how, in 1815, his father one day came into the room where he was studying Loder's Anatomical Tables, and said to him and his brother, "Boys, clean your rifles—Napoleon is loose again; he has returned from Elba." What followed will be best told in his own words. It is a chapter not without interest in the life of a scholar.

"My heart beat high; it was glorious news for a boy of fifteen, who had often heard with silent envy the account of the campaigns of 1813-14 from the lips of his two brothers, both of whom had marched in 1813, in common with most young men of good family, as volunteer riflemen, and returned as wounded officers. One of those, cured of his wounds, rejoined his regiment; another of my brothers and myself followed the call of government to enter the army as volunteers, though our age would have exempted us from all obligation.

Which regiment should we choose? Of course one which was garrisoned near the enemy's frontier, so that we should be sure not to have a peaceable campaign in a distant reserve. There was a regiment among the troops near the frontier of France, which enjoyed a particularly high and just reputation; its name was 'Colberg,' bestowed in honor of its valiant defence of the fortress of Colberg in the year 1806—the only Prussian fortified place at that wretched time which did not surrender to the French. It was composed of brave and steady Pomeranians, a short, broad-shouldered, healthy race; in more than twenty 'ranged' engagements during the campaign of 1813–14 had they shown themselves worthy of their honorable name. My brother and myself selected this regiment. When the day of the enlistment of the volunteers arrived, we went to my father and said: 'Well, then, we are going; is it with your consent?' 'Go to your mother,' he replied. We went to her; our hearts were full, she had suffered so much during the first campaign. With a half choked voice I said; 'Mother, we are going to be enrolled—shall we?' She fell into our arms, that noble woman, and sobbed aloud. 'Go!' was all her bleeding heart allowed her to utter; and, had she been the mother of twenty sons, she would have sent them all. We had to wait from ten to one o'clock before we could get a chance to have our names taken down, the throng was so great.

age 15.  
enrollment  
forward  
with Napoleon

In the beginning of May we were marched from Berlin to our regiment. My father accompanied us to the place of rendezvous. When the bugle called us to the line we looked for him to take the last leave; he had stolen himself away. A great many people accompanied us out of the city; the beautiful Brandenburg gate was soon behind us; we began to sing. I looked but forward, happy that it was now my lot to bear arms in defence of my country. On the 16th we crossed the Rhine; on the 25th of May we passed in review before Prince Blucher in Namur. On the 26th we marched to a village called Voistin and incorporated with our regiment. On the 3d of June we had our first parade with the regiment, and the colonel declared that we had the bearing of old soldiers; he was satisfied with us. We longed to be put to the test. I saw on that day, for the first time, the woman who was a sergeant in our regiment, and distinguished herself so much that she could boast of three orders on her gown when, after the peace, she was married in Berlin to another sergeant. In a second regiment of our brigade was another girl serving as a



soldier, but she was very different from our sergeant. Her sex was discovered by mere accident; she had marched instead of her brother, that he might support their aged parents.

We marched to Longueville, seven leagues from Brussels. On the 9th we received lead to cast our balls; the rifles being of different calibres, for each man had equipped himself. It is one of the most peculiar situations a man of reflecting mind can be in, when he casts his bullets for battle near at hand. In the evening I was lying with two comrades, one of whom was a Jew, in a hay-loft; the crazy roof allowed us to see the brilliant stars. We spoke of home. 'My father,' said one, 'told me he was sure he would never see me again, though he never tried to keep me—I feel as if I should fall.' A ball entered his forehead in the first battle and killed him on the spot. The second, the Jew, said, 'Nobody has foretold my death, yet I believe I shall remain on the field.' He fell at my side, in the battle of Ligny, before he had fired a shot—the ball cutting his throat. 'And I,' said I, 'shall be brushed, but I think I shall return home, though with a scratched skin.' Thus strangely every prophecy of that night was fulfilled.

On the morning of the 15th the *generale* was beaten. Hostilities had begun on the 14th. We marched the whole day and the whole night; in the morning we arrived not far from the battle-field of Ligny, and halted. Before us was a rising ground on which we saw innumerable troops ascending from the plain, with flying colors and music playing. It was a sight a soldier likes to look at. I cannot say, with Napoleon, that the earth seemed proud to carry so many brave men; but we were proud to belong to these brave and calm masses. Orders for charging were given; the pressure of the coming battle was felt more and more. Some soldiers, who carried cards in their knapsacks, threw them away, believing that they bring bad luck. I had never played cards and carried none; but this poor instance of timid superstition disgusted me so that I purposely picked up a pack and put it in my knapsack. Our whole company consisted of very young men, nearly all lads who were impatient for battle, and asking a thousand questions, in their excitement, of the old, well-seasoned sergeant-major, who had been given to us from the regiment. His imperturbable calmness, which neither betrayed fear nor excited courage, but took the battle like a muster, amused us much.

We now marched again up the sloping plain, and by one o'clock in the afternoon arrived on the battle-ground. Fortune held us first on a harassing reserve; the French field-pieces played hard upon us, shells fell around us and took several men out of our column. We were commanded to lie down, and I piqued myself on making no motion when balls or shells were flying over us. Behind us stood some cavalry. One of their officers had been a near neighbor to us in Berlin; he rode up to me and asked me to write home should he fall; he would do as much for me should I be shot down. He soon after fell. We longed most heartily to be led into the fire, when our officer, a well-tried soldier, spoke these few words: 'My friends, it is easier to fight than to stand inactive exposed to fire. You are tried first by the severest test; show, then, that you can be as calm as the oldest soldiers. My honor depends upon your conduct. Look at me, and I promise you shall not have a bad example.' At length, about two o'clock, our column was ordered to drive the enemy out of the left side of the village. Our colonel rode up to us and said, 'Riflemen, you are young, I am afraid too ardent; calmness makes the soldier; hold yourselves in order.' Then he turned around. 'March!' and the dull, half-muffled drum from within the deep column was heard beating delicious music. When the bugle gave the signal to halt we were in front of the village of Ligny. The signal was then given for the riflemen to march out to right and left of the column, and to attack. Our ardor now led us entirely beyond proper limits; the section to which I belonged ran madly, without firing, toward the enemy who retreated. My 'hindman' fell; I rushed on, hearing well but not heeding the urgent calls of our old sergeant. The village was intersected with thick hedges from behind which the grenadiers fired upon us; but we drove them from one to the other. I, forgetting altogether to fire, and what I ought to have done, tore the red plume from one of the grenadier bear-caps, and swinging it over my head, called triumphantly to my comrades. At length we arrived at a road crossing the village lengthwise, and the sergeant-major had now succeeded in his attempt to bring us somewhat back to our reason. There was a house, around the corner, of which he suspected that a number of French lay. 'Be cautious,' said he to me, 'until the others are up;' but I stepped round where a grenadier stood, about fifteen paces from me; he aimed at me. My antagonist's ball

grazed my hair on the right side; I shot and he fell. This was my first shot fired in battle.

Of our whole company, which, on entering the engagement, numbered about one hundred and fifty strong, at night only twenty or thirty combatants remained. The old soldiers of our regiment treated us ever, after this battle, with signal regard, while before it they had looked upon us as beardless boys. We marched all night. It rained the whole of the 17th, but we marched a great part of that night also. Rain fell in torrents, and the roads were very bad. Early in the morning of the 18th we found part of our regiment, from which we had been separated. Our men were exhausted, but old Blucher allowed us no rest. As we passed the Marshal, wrapped up in a cloak and leaning against a mound, our soldiers began to hurrah. 'Be quiet, my lads,' said he, 'hold your tongues; time enough after the victory is gained.' We entered the battle of Waterloo with Blucher, in the afternoon; you know the history of that memorable day.

The great body of the Prussian and English armies marched toward Paris; but half our army corps, to which I belonged, received orders to pursue Vandamere, who had thrown himself into Namur. We marched the whole of the 19th; the heat was excessive, and our exhaustion and thirst so great that two men of our regiment became deranged in consequence. At four in the afternoon we went to bivouac; we started early again, and now my strength forsook me, I could not keep up with the troops, and began to lag behind. Suddenly, at about noon, I heard the first guns. The battle of Namur had begun. When I arrived where my regiment stood, or, as I should rather say, the little band representing it, I dropped down; but fortunately one of my comrades had some eggs, one of which gave me great strength. Our colonel came up to us, saying: 'Riflemen, you have twice fought like the oldest soldiers—I have no more to say. This woods is to be cleared; be steady—bugleman, the signal!' and off we went with a great hurrah! driving the French before us down a hill toward Namur, which lay on our front. When I saw our men rushing too fast down the hill, I was afraid that some enemies might be hid under the precipice to receive them. Holding myself with my left hand by a tree, I looked over the precipice and saw about seven Frenchmen. 'They will hit me,' I thought, and, turning around to call to our soldiers, I suddenly experienced a sensation as if my whole body were compressed in

my head, and this, like a ball, were quivering in the ear. I could feel the existence of nothing else; it was a most painful sensation. After some time I was able to open my eyes, or to see again with them. I found myself on the ground; over me stood a soldier firing at the enemy. I strained every nerve to ask, though in broken accents, whether and if so where I was wounded! 'You are shot through the neck.' I begged him to shoot me; the idea of dying miserably, half of hunger, half of my wound, alone in the wood, overpowered me. He, of course, refused, spoke a word of comfort that perhaps I might yet be saved, and soon after himself received a shot through both knees, in consequence of which he died in the hospital, while I am writing an account of his sufferings here in America. My thirst was beyond description; it was a feverish burning. I thought I should die, and prayed for forgiveness of my sins as I forgave all. I recollect I prayed for Napoleon, and begged the dispenser of all blessings to shower His bounty upon all my beloved ones, and if it could be, to grant me a speedy end of my sufferings. I received a second ball, which, entering my chest, gave me more local pain than the first; I thought God had granted my fervent prayer. I perceived, as I supposed, that the ball had pierced my lungs, and tried to breathe hard to hasten my death. A week afterward, while I lay ill with my two wounds, in a house at Liege, one of my brothers was in the hospital at Brussels, and another at Aix-la-Chapelle—we were just distributed at the points of a triangle."

At the close of the Waterloo campaign, as soon as he was recovered from his wounds Lieber returned to his studies, and joined the Berlin Gymnasium. These gymnasia had been established by Dr. Jahn during the French dominion, in order to impart physical vigor and with it moral energy to the German youth, after the pedantic period of wigs and queues, so as to make them fit at a later period to bear arms. The gymnasia became therefore in a manner patriotic schools. After the downfall of Napoleon they naturally became schools of liberal



sentiments—of civil freedom. Jahn and many others were arrested as suspected persons, and because ✓ young Lieber was considered his favorite pupil he too was arrested. He now became an author, but *malgre lui*, for the government published several songs of liberty which were found among his papers, to prove how dangerous a person this lad was. He was detained in prison several months, beguiling the tediousness of his confinement by diligent study and reading. Upon his discharge from prison without a trial, he was told that although the charges against him had not been proved, he was nevertheless prohibited from studying at the Prussian universities. He consequently went to Jena, where he took his degrees in 1820. To those who were acquainted with Lieber, and who knew the intense love of liberty which animated his soul, and the scorn in which he held all systems which deprive man of what he believed to be by nature the birthright of all, and the hatred which he felt for despotic power whether proceeding from royal prerogative or democratic absolutism—a phrase which he himself invented—his imprisonment by the Prussian government of that day, will not appear remarkable. At that very time he maintained, in opposition to his republican friends, that German unity was the first of needs for Germany, and that it would be obtained only by a revolutionary king or kaiser. Writing nearly fifty years afterwards [in 1868], he says: “I have this very moment read in the German papers,

that Bismarck said in the chamber the very thing for which we were hunted down in 1820 and 1821." No man could be more deeply impressed than was Francis Lieber with the truth of that saying of Aristotle "The fellest of things is armed injustice." In 1820 permission was granted him to study at Halle, but with the intimation that he never could expect public employment. Although he lived in a very retired manner, devoted to his books, and taking no part whatever in political movements, he remained under the surveillance of the police and subject to constant annoyance from them. His position became so irksome that he at length took refuge in Dresden. While living there, not unwatched, the Greek revolution broke out. He instantly resolved to abandon his country and to take part in the war of independence. It was impossible for him to obtain a passport for any length of time, and particularly for a journey to France, yet he had to make his way to Marseilles where he intended to embark for Greece. He took, therefore, a passport for a journey to Nuremburg, and for the short period of a fortnight only. Once in possession of it, he emptied an inkstand over the words which declared it to be limited to so short a space of time. He then had it signed in every small place on his route to Nuremburg, so that, to use his own words, "it finally looked formidable enough." Arrived in Nuremburg, he accounted for the defacing ink-blot by the awkwardness of a police officer, and had the paper

signed for Munich. There he chose a time when the chief officer of the legation had gone to dinner, and had it further signed for Switzerland, pretending to be in a great hurry. He travelled on foot through Switzerland, and thence to Marseilles. In this manner and by such shifts did this great historical scholar, this profound writer upon the laws of nations, this great philosopher who explained and illustrated the nature of civil government and the origin and meaning of laws, whose works have been of incalculable benefit to liberty and have added so many new ideas to political science, escape from his native land!

The enthusiasm which led him to volunteer in the cause of Grecian independence met with a severe disappointment. The history of that brief and unfortunate struggle is well known. His own experience is vividly portrayed in his *Journal in Greece* written in Rome, and published at Leipzig in 1823, and republished at Amsterdam in the same year under the title of "The German Anacharsis." After suffering great hardships he embarked at Messolonghi in 1822 in a small vessel bound for Ancona. One scudo and a half was all that remained in his purse after paying the price of his passage. From Ancona his desire to see Rome induced him to make his way to that city, which he had much difficulty in reaching and entering, owing to the great gap in his passport. He has himself related how he entered by stealth the Porta del Popolo, as if the porches of the

churches near it and the obelisk were nothing new to him, and how his heart beat as he approached the tame-looking sentinel of the Papal troops, more than it ever had beaten at the approach of any grenadier of the enemy, and the indescribable delight he felt when he had safely passed him, and felt and saw that he was in Rome. In Rome he found a friend who shared his room with him; but he could not reside in Rome for any length of time without having permission to do so from the police, and that he could not obtain without a certificate from the minister of his country that his passport was in order. The very contrary was the case. In fact, he was ashamed to show his passport at the Prussian legation. He resolved, therefore, to disclose frankly his situation to Mr. Niebuhr, the Prussian ambassador to the Papal See, "hoping," as he said, "that a scholar who had written the history of Rome could not be so cruel as to drive him from Rome without allowing him time to see and study it." The Prussian ambassador resided at the Palazzo Orsini, or, as it is frequently called, Teatro di Marcello, for the palace is on and within the remains of the theatre which Augustus built and dedicated to his nephew Marcellus. "My heart," says Lieber, "grew heavier the nearer I approached this venerable pile to which a whole history is attached, from the times of antiquity, through the middle ages when it served as a castle for its proud inmates, and down to the most recent times. The idea that I might be dis-



believed, prevented me for a moment from proceeding any farther toward that building under an engraving of which in my possession I find that I afterwards wrote these words, '*In questa rovina ritrovai la vita.*'"

Of his reception by Niebuhr he has left a most interesting account.

"He received me," says he, "with kindness and affability, returned with me to his room, made me relate my whole story, and appeared much pleased that I could give him some information respecting Greece, which seemed to be not void of interest to him. The conversation lasted several hours, when he broke off asking me to return to dinner. I hesitated in accepting the invitation, which he seemed unable to understand. When I saw that my motive for declining so flattering an invitation was not understood, I said, throwing a glance at my dress, 'Really, sir, I am not in a state to dine with an excellency.' He stamped with his foot and said with some animation, 'Are diplomatists always believed to be so cold hearted? I am the same that I was in Berlin when I delivered my lectures. Your remark was wrong.' No argument could be urged against such reasons. I recollect that dinner with delight. His conversation abounding in rich and various knowledge and striking observations, his great kindness, the acquaintance I made with Mrs. Niebuhr, his lovely children who were so beautiful that when at a later period I used to walk with them, the women would exclaim, '*Ma guardate, guardate, che Angeli!*' A good dinner, which I had not enjoyed for a long time, in a high vaulted room, the ceiling of which was painted in the style of Italian palaces, a picture by the mild Francia close by, the sound of the murmuring fountain in the garden, and the refreshing beverages in coolers which I had seen but the day before represented in some of the most masterly pictures of the Italian school—in short my consciousness of being at dinner with Niebuhr in his house in Rome—and all this in such bold relief to my late and not unfrequently disgusting sufferings, would have rendered the moment one of almost perfect enjoyment and happiness, had it not been for an annoyance which I have no doubt will appear here a mere trifle. My dress consisted as yet of nothing

better than a pair of unblackened shoes, such as are not unfrequently worn in the Levant; a pair of socks of coarse Greek wool, the brownish pantaloons frequently worn by sea-captains in the Mediterranean, and a blue frock coat through which two balls had passed, a fate to which the blue cloth cap had likewise been exposed. The socks were exceedingly short, hardly covering my ankles and so indeed were the pantaloons, so that when I was in a sitting position they refused me the charity of meeting, with the obstinacy which reminded me of the irreconcilable temper of the two brothers in Schiller's *Bride of Messina*. There happened to dine with Mr. Niebuhr another lady besides Mrs. Niebuhr, and my embarrassment was not small when towards the conclusion of the dinner the children rose and played about on the ground, and I saw my poor extremities exposed to all the frank remarks of quick-sighted children, fearing as I did at the same time the still more trying moments after dinner when I should be obliged to take coffee near the ladies, unprotected by the kindly shelter of the table. Mr. Niebuhr observed, perhaps, that something embarrassed me and redoubled if possible his kindness. After dinner he proposed a walk and asked the ladies to accompany us. I pitied them, but as a gentleman of their acquaintance had dropped in by this time, who gladly accepted the offer to walk with us, they were spared the mortification of taking my arm. Mr. Niebuhr probably remembering what I had said of my own appearance in the morning, put his arm under mine and thus walked with me a long time. After our return, when I intended to take leave, he asked me whether I wished for anything. I said I should like to borrow his history. He said he would get a copy for me. As to his other books, he gave me the key of his library to take whatever I liked. He laughed when I returned laden with books, and dismissed me in the kindest manner."

Very soon afterwards Niebuhr invited young Lieber to live with him, assisting him, if agreeable to him, in the education of his son Marcus. The invitation was accepted, and Lieber passed a year of unalloyed happiness in Rome, living in the family of the historian, sharing his confidence and affection, the daily companion of his walks, and of his conversation,

pursuing all the while his studies and storing his mind with the treasures of Roman antiquity and art.

In the spring of 1823, when Niebuhr quitted the embassy at Rome, he took Lieber with him to Naples whence they returned to Rome. Thence they went by the way of Florence, Pisa, and Bologna, to the Tyrol, and in Innspruck Lieber took leave of that family in the bosom of which he had passed so many days of happiness. Niebuhr died in January 1831. Long afterwards, in his new home across the ocean on the banks of the Congaree, the great publicist embalmed his love and gratitude to Niebuhr in that beautiful and imperishable record which contains his reminiscences of the friend of his youth. In his dedication of the volume to his friend, Mrs. Austin of London, he says "I could not have graced with your name any pages dearer to me, though painfully dear I own—leaves written in the greatest of cities, and under the roof of my best friend, now perused in distant America, he dead and I in exile. I felt as if I walked through an Italian garden, charming indeed with perfuming flowers and lovely alleys and fountains, with the luxuriant trees of the south in blossom, the fragrant orange and the glowing pomegranate, and with vistas far and wide to the distant deep blue mountains. But I felt too as if I walked alone in it. With all these joyous colors of bright spring around me and the cloudless azure vault above me, I felt the grief of loneliness, and every spot reminded me of him and what I owe him." The

"Reminiscences of Niebuhr" was republished in England by Bentley, and translated into German by the son of Hugo, the civilian.

When Lieber was in Rome with Niebuhr, the King of Prussia, visiting that city after the congress of Verona, saw him there, and promised Niebuhr that if Lieber desired to return to Prussia he should not be molested. From Innsbruck he therefore returned to Prussia, but he had hardly arrived in Berlin before he was again arrested upon the old charges of enmity to the government, entertaining republican sentiments and belonging to a secret association: and he was cast into the State prison of Koepnick. On the 22d March 1823 Niebuhr writes: "It has been said that Lieber was to be released on his father's birthday, but nothing has come of it. Such carelessness in leaving a good man to languish in fetters makes me indignant, though no cruelty is intended." And again: "April 6th, I visited poor Lieber yesterday in the Bastile of Koepnick. Oh my God!" He was at length, after some months liberated through Niebuhr's pressing solicitations, a kindness which was the greater as Niebuhr's own political sentiments were regarded with some suspicion by the men in power. While at Koepnick he wrote a little volume of poems, "*Wein und Wonne Lieder*," which was published at Berlin under the name of Arnold Franz. Fearing renewed persecution he took refuge in England. He arrived in London in 1825, where he resided for a year, writing for



German periodicals and giving lessons in the languages for his support. He always said it was the hardest time of his life "doing uncongenial work, and physically laboring like an American army mule."

In 1827 he came to the United States with warm recommendations from Niebuhr, whose letters show his great estimation and affection for his young friend, and from other eminent men. In a letter Sept. 13, 1827, Niebuhr wrote to him: "I approve of your resolution to go to America so entirely that, had you been able to ask my advice beforehand, I should have unqualifiedly urged you to go. Only beware that you do not fall into an idolatry of the country and that state of things which is so dazzling because it shows the material world in so favorable a light. Remain a German, and without counting hour and day, yet say to yourself that the hour and day will come when you will be able to come." He also advised him, perceiving, no doubt, the bent of his mind, to write no political dissertations, and closed his letter with these words, "the paper is filled to the margin and therefore I can only add God bless you. My wife and children send their love. Marcus thinks and speaks of you as if we had left Rome but a few weeks ago." *new* But notwithstanding his reverence and affection for his friend, Lieber did not obey his injunctions in the two particulars in regard to which he had been most emphatic in his advice. He became an American citizen at the earliest possible

moment when the law would permit him to do so, and his great and enduring fame rests upon his political writings; not, I need hardly say, upon fugitive dissertations upon the politics of the day—that most ephemeral of all literature, but upon those masterly and laborious works upon political science, which are a vast and rich mine of thought upon the subjects of which they treat, while the learning, originality, and power which distinguish them have made them an authority in all lands and before all tribunals. )

He arrived at New York June 20, 1827, and proceeded to Boston, where he took up his residence. There he commenced his laborious work, “The Encyclopedia Americana,” in thirteen volumes, in which he was employed five years. During this time he also prepared, with the assistance of his wife, and published the translation of a French work on the Revolution of 1830, and a German work on Casper Hauser by Feuerbach. He always looked back with pleasure to his residence in Boston, where he numbered among his most highly esteemed and intimate friends Story, Pickering, Channing, Sullivan, Ticknor, Prescott, and many other distinguished men. In 1832 he removed to New York, where he published a translation of De Beaumont and De Tocqueville’s work on the Penitentiary System, with an introduction and many notes which were in turn translated in Germany. While in New York he received from the trustees of Girard College, at the head of whom was Nicholas Biddle, the honorable

commission of preparing a plan of education and instruction for that institution. This brought him to Philadelphia in 1833, where he remained about two years, and where was published, besides his plan of education, "Letters to a Gentleman in Germany." He employed himself also at this time in writing a supplement to his Encyclopedia, but, owing to the deranged condition of the monetary affairs of the country resulting from General Jackson's war upon the United States Bank, the supplement was not continued. In Philadelphia he made many valued friends who remember with delight the charms of his society and the singular fascination of his conversation, so replete with instruction, so full of experience of the world and of knowledge of events and of men, and so much brightened by the playfulness of a cheerful mind and the gayety of a sparkling wit.

In 1835 he was appointed to the professorship of History and Political Economy in South Carolina College. He remained in that position, residing at Columbia, for a period of more than twenty years—always highly honored by the distinguished men of the South—and discharging the duties of his chair with great success and a constantly increasing reputation. Here he wrote and published the great works upon which his fame will chiefly rest; the three principal of which are, his "Manual of Political Ethics," 2 vols., published in 1838; "Legal and Political Hermeneutics, or the Principles of Interpre-

tation and Construction in Law and Politics," 1 vol., published in 1839; and his "Civil Liberty and Self-Government," 2 vols., published in 1853. It is difficult, within the limits of such a discourse as this, to convey any adequate idea of the weight and value of these great works. They were positive additions of the greatest importance to the knowledge previously possessed upon these subjects. They embodied in a profound, original, and comprehensive system the principles upon which human society and government repose. They traced to their true sources all the social and governmental relations and expounded their reasons, their history, their distinctions, and their philosophic significance and results, with a clearness of exhibition, a force of argument, a wealth of learning, a power of illustration, and a high moral purpose never before seen in the same field. In his Political Ethics he shows how the principles of ethics are applicable to political affairs, by what moral laws we ought to be governed in political cases, what conscience and experience prescribe for a citizen in his relations to government, the law, and society. He treats of the State, its nature, origin, objects and just relations, of primordial and inalienable rights, of society and its sovereignty, of true allegiance, of law and its provinces and administration, of government and its powers and abuses, of constitutions written and unwritten, of crimes and their punishment, of industry and its relations to the State, of the reciprocal



relation of rights and duties, of political virtue, of wealth and poverty in its influence on society and states, of education, of woman and her relations to society, of the press, of elections and voting, of legislatures and judges, of parties in the government, of majorities and the rights of minorities, of executive officers and their duties, of jurors, advocates, and witnesses, of war and the duties of the soldier, of religion, justice, and patriotism, which he called the three pillars of society and the State. Everywhere among learned and scientific men, this great work created a profound impression. Chancellor Kent in his Commentaries commended it in the strongest terms for the excellence of its doctrines and its various and profound erudition, and observed that "when he read Lieber's works, he always felt that he had a sure pilot on board, however dangerous the navigation." In a letter to Lieber, Judge Story said of it: "It contains by far the fullest and most correct development of the true theory of what constitutes the State that I have ever seen. It abounds with profound views of government, which are illustrated with various learning. To me many of the thoughts are new and as striking as they are new. I do not hesitate to say that it constitutes one of the best theoretical treatises on the true nature and objects of government which has been produced in modern times, containing much for instruction, much for admonition, and much for deep meditation, addressing itself to the wise and virtuous of all countries. It solves the

question what government is best by the answer, illustrated in a thousand ways, that it is that which best promotes the substantial interests of the whole people of the nation upon which it acts. Such a work is peculiarly important in these times when so many false theories are afloat and so many disturbing doctrines are promulgated." "It bears testimony," wrote Henry Hallam, "to your exertions in the great field of philosophical jurisprudence." "It is remarkable," wrote William H. Prescott, "that you should have brought together such a variety of pertinent illustrations from all sources, familiar as well recondite, by which you have given life and a popular interest to your philosophy. It is a book so full of suggestion that the reader has done only half his work when he has read a chapter, for it puts him on a train of thinking for himself which he must carry on after he has closed the volume." In his *Ferdinand and Isabella*, Mr. Prescott declares of Lieber's works, that they could not have been produced before the nineteenth century. "What strikes me particularly," wrote William Kent, "is the vast range of illustration, your writings have drawn from current literature, contemporaneous history, and a thousand sources which after all my conversations with you still amaze me. It is this faculty of yours to range over all things, great and small, past and present, and extract a moral, or a rule, or a philosophic deduction, 'hived like the honey bag o' the bee,' which strikes me the most in your books. You would have made a great

common-law lawyer. The whole turn of your mind is that way, your taste for English history and preference for English liberty, all show your predominating inclination." "In my opinion," wrote Chancellor Kent to Chancellor De Sausure of South Carolina, "Lieber's eminence as a scholar, in history, political economy, ethics, principles of government, geography, and belles-lettres, would elevate the reputation of any university in our country. His talents, his learning, and great moral worth are conceded by all his extensive acquaintance, among whom are some of the first scholars and jurists in the United States." By English critics the *Political Ethics* was compared favorably with the great work of Montesquieu and regarded as pre-eminent among works on political science.

The "Legal and Political Hermeneutics," which followed the *Political Ethics*, is a most lucid treatise on the principles and science of interpretation and construction in law and politics. It is spoken of in terms of the highest admiration by Professor Greenleaf, a very competent judge, who adds, in respect to Lieber's writings generally, "he always leaps into the deepest water and always comes up like a good swimmer." Rufus Choate wrote, June 25, 1854, "I consider very few of my cases prepared without dipping into you, and what the *Ethics* don't furnish the *Hermeneutics* do." Lieber's distinction between interpretation and construction has been generally adopted by legal writers. There was something more

in these commendations of great and learned men, it is well observed by a writer in the Nation, than mere compliment, for "many of the topics discussed were at the time new, doubtful, and difficult, and Lieber lived to find conclusions which he had arrived at and was the first to express thirty years ago, referred to by writers of the present day as familiar political truths, without, perhaps, any conception on the part of the writers, of the source whence they were derived."

But the best known of his productions is his work on "Civil Liberty and Self-Government." A work which has received the highest commendation not only in this country, but in Europe also. Professor Creasy, of London, in his "Rise and Progress of the British Constitution," very frequently quotes from it, adding the highest praise, while on the continent such publicists as Von Mohl and Mittermaier, confirm the correctness of his judgment. To them may be added Garelli, the eminent Italian jurist, and many other distinguished writers upon international and public law. "Dr. Lieber," says Professor Creasy, "is the first who has pointed out the all-important principle of English and American liberty, that every officer remains individually responsible for whatever he does, no matter whether he acts under the order of his superiors or not—a principle wholly unknown in other countries." (His Civil Liberty and Self-Government was intended as a sequel to that portion of his Political Ethics which



treats of liberty as a political right which depends upon civil institutions. He called it "institutional liberty," a very happy and original formulation of the truth that political liberty is dependent upon certain fundamental institutions which are necessary for its existence.) In this great work he handled the most difficult subjects in the most masterly manner, reasoning always with a bold and independent spirit, animated with a constant love of truth and liberty, striking always heavy blows at every form of oppression, and embellishing his argument with a copiousness of illustration from history which makes the whole work attractive in the highest degree. [He treats of ancient and modern liberty, of ancient, medieval, and modern states, of national independence and personal liberty, of the rights of personal locomotion, communion, emigration, and petition, of liberty of conscience, of property, of the supremacy of law, of high treason, of bail and trial, of publicity in political affairs, of taxation, of division of power, of responsible ministers and representative government, of the independence of the judiciary, of parliamentary law, of the bicameral system, of institutional self-government, of the wealth and longevity of states, and a hundred other topics of like importance]; and there is not one which he touches, upon which he does not cast a new light, and which he does not exhibit in a form more clear and attractive than that in which such subjects have been hitherto placed. Mr. Bancroft

has justly said of this great work of Lieber, that "it entitles him to the honors of a defender of liberty."

His truthful and independent mind always pursued an even course, avoiding all pernicious extremes, pandering to no man's prejudices, and fearing no man's judgment. He hated a demagogue if possible more than he hated a tyrant, and he hated the latter as an enemy of his race. "The doctrine *vox populi vox Dei*," said he, "is essentially unrepubli-  
can, as the doctrine that the people may do what they list, under the Constitution, above the Constitution, and against the Constitution, is an open avowal of disbelief in self-government. The true and staunch republican wants liberty, but no deification of himself or others. He wants a firmly built self-government and noble institutions, but no absolutism of any sort, none to practise on others, and none to have practised on himself. He is too proud for the *vox populi vox Dei*. He wants no divine right of the people, for he knows very well that it means nothing but despotic power of insinuating leaders. He wants the real rule of the people, that is, the institutionally organized country which distinguishes it from a mere mob, for a mob is an unorganic multitude with a general impulse of action. Woe to the country in which political hypocrisy first calls the people almighty, then teaches that the voice of the people is divine, then pretends to take clamor for the true voice of the people, and lastly gets up the desired clamor."

True  
republican

[The influence of these great works of Lieber upon the public mind of the world has been very great, particularly in this country and in England, while the civilians and scholars of all lands have borne testimony to the originality, the genius, and the power which they display. He had a large and comprehensive mind which grasped a subject firmly, turned it over and over, examined it as a whole and in all its details, and never let it go until under the strong rays of reason, and in the light of the highest morality and truth, its true proportions and just relations stood clearly revealed.

In one of his works he has said that memory is "the most useful and indispensable of all instruments in all pursuits." He himself had a most wonderful memory. His mind was a great storehouse where seemed to be preserved, ready for use, all his extensive and varied learning—all that he had read, or heard, or witnessed, in the wide range of a great and multifarious experience. Yet he was never pedantic. He never quoted for mere ostentation or ornament of speech. He never fell into the error of betraying the pleasure which a quoting author derives from having overcome the difficulty of a foreign language. [He was perfectly familiar with Greek and Latin, thoroughly accomplished in all classical learning, ancient and modern, and spoke and wrote most of the languages of Europe. His English is written with as much ease and purity as if it had been his native tongue. It is, indeed,

most remarkable that, having come to this country at the age of twenty-seven, he should so thoroughly have mastered the language that his works are written in a style which, for strength, vigor, perspicuity, exactness of expression, simplicity and idiomatic accuracy, might serve as a model for such compositions. In the treatment of his subjects he was eminently practical. He wasted little labor upon mere ornament, but every sentence was solid and compact with thought.

He was honest and conscientious, intrepid in his defence of truth and liberty, unsparing in his exposure and denunciation of falsehood and tyranny. He loved to tear away the mask which concealed pernicious errors, and to reveal truth in all the majesty and stately beauty which belongs to her. If I were asked to describe the leading characteristics of his mind, I would say that they were an intense love of knowledge, an intense love of truth, and an intense patriotism. If I were asked what were his most useful faculties, I would answer, his strong, retentive memory, and his broad, clear, sagacious common sense and solid judgment. If I were asked what were his most attractive personal qualities, I would say the charming simplicity and candor of his character, his delightful and instructive conversation, and the quiet, playful humor which lighted up and animated his social intercourse.

Besides the three great works which have been particularly mentioned, Lieber wrote many other



things of great value, among the principal of which may be mentioned "The Origin and Development of the First Constituents of Civilization;" "Great Events described by Great Historians;" "Essays upon Property and Labor;" "The Laws of Property;" "Penal Laws and the Penitentiary System;" "On Prison Discipline;" "The Relation between Education and Crime;" "The Pardoning Power;" "International Copyright;" "The Character of the Gentleman;" "The Study of Latin and Greek as Elements of Education;" on "Laura Bridgman's Vocal Sounds;" on "Anglican and Gallican Liberty" (translated into German with many notes and additions by Privy Counsellor Mittermaier); on the "Post-Office and Postal Reforms;" on the "Independence of the Judiciary;" on "Two Houses of Legislature," and a very large number of minor tracts and publications.<sup>1</sup>

*books*

Of "Property and Labor," Professor Greenleaf wrote, in October 1842: "The feature of your book which strikes me most strongly is the strong common sense and sound reason manifested in regard to the origin of property; brushing away at a stroke the cobweb theories of previous tenancy in common and of social compact. To me all the theories I had

<sup>1</sup> He wrote many able articles on public questions which appeared in the New York Evening Post over the signature "Americus." The last one he ever wrote appeared in that Journal, Sept. 24, 1873, and was entitled "Religion and Law." He also contributed many valuable papers to the "Revue de Droit International." M. Rolin-Jacquemyns, the learned editor of that review has, in a recent number, paid a very eloquent and affectionate tribute to the memory of Lieber.

previously met with upon the original title to individual property appeared visionary and unsound. But you have spoken directly to my understanding and borne me along with you, my mind joyously assenting to each successive step in the induction."

In 1844 Lieber visited his native city of Berlin. He had an interview with the king, Frederic William IV. who received him very cordially, and insisted that he must now remain in Prussia. "We must do something" said the king, "to keep you here, you must not be lost to us." He was accordingly offered a new professorship of Pœnology in the University of Berlin, with the inspectorship of all the prisons in the kingdom. But neither the request of the king nor the friendship of Humboldt could overcome his preference for the land of his adoption. His memory, however, recalled in singular contrast with the honors then bestowed upon him the political persecution which compelled him who had in his youth borne arms for his country and bled in her cause, to steal away by stealth from his native land.

In December 1856 Doctor Lieber resigned his professorship in South Carolina College. The resolutions adopted by the alumni of that institution and conveyed to him by their committee, Wm. C. Preston, Gov. Manning, Jas. L. Pettigru, Richard Yeadon, J. H. Hudson, and Jos. B. Allston attest their profound regret and their sense of the loss which that institution suffered by his departure.

In 1857 he was elected to a similar professorship in Columbia College, New York, and subsequently to the chair of political science in the Law School of the same institution. He continued in the discharge of the duties of that position to the time of his death, which occurred at his house in New York, on the afternoon of the 2d October 1872. His habits of industry continued until the close of his life. He was engaged, at the time of his death, in writing a work upon the Rise of the Constitution, and had so far progressed in it as to insure, it is hoped, its publication; for it cannot but prove a most valuable addition to that department of the law. I may state here, in passing, that he wrote the article "Constitution" in Bouvier's Law Dictionary. During the period of his connection with the Law School of Columbia College his writings upon various subjects were too numerous to receive a detailed notice here. They were upon a great variety of subjects, and all of them displayed the strength of argument and wonderful power of illustration which characterize all his works. The general character of his political writings is happily drawn in the Princeton Review, of October 1858. "Lieber is a man who stands on the altitudes of history, and not on a mere political platform. His work is, therefore, based upon the grand memories of the past, and not upon the shifting politics of a day. Most political writers have looked at political life from one point of view—that of their own times. But Lieber has looked

at it from every period presented in each successive cycle of human progress and has not only appreciated the results of the working of the various institutions, but has noted the growth and the mutations from age to age of the institutions. In the true scientific spirit Lieber brings to his expositions

of principles all the resources of abstract reasoning; well knowing, and, indeed, so declaring, that all progress is founded in historical development and abstract reasoning. (While, therefore, Lieber lights the torch of science at no lights but those of experience, he adds to it that prescience of reason which is to direct the statesman's forecast into the future."

One of the most important considerations relating to his works is the fact that he was a republican, and believed in liberty as organized and guaranteed by the institutions of this country. He, therefore, viewed political principles and institutions from a point different from that occupied by the great European writers upon the same subjects.

During the late civil war Lieber rendered very valuable service to the government and the country. He was one of the first to point out, by his pen, the madness of secession, and to impress upon the country the value of the institutions which were endangered. As early as 1851, in an address delivered in South Carolina, he had warned the South of the ruin with which the doctrine of secession threatened it and the whole country. During the whole war his pen was constantly at work supporting the govern-



ment and upholding the Union.<sup>1</sup> He was frequently summoned to Washington by telegraph by the Secretary of war for consultation and advice upon the most important subjects. His correspondence with the secretary, and with Gen. Halleck while General-in-chief, is very voluminous. The Code of war, prepared by him upon the requisition of the President of the United States, and promulgated in general orders of the war department, No. 100, (1863) as "Instructions for the government of the armies of the United States in the field," is one of the greatest works of his later years. He thereby conferred not only a benefit upon his own country, but added a new chapter, replete with noble and humane sentiments, to the law of war. M. Laboulaye has justly described these instructions as a masterpiece, and they suggested to Bluntschli the plan of codifying the law of nations, as may be seen in his letter to Lieber, which serves as a preface to his work *Droit International Codifié*. Bluntschli published as an appendix to his Code the whole of Lieber's Instructions for the Army. Dr. Lieber used to call this work his "old hundred."

His pamphlet on "Guerilla Parties, considered with reference to the laws and usages of War," written at the request of Major-General Halleck,

<sup>1</sup> He was president, and one of the founders of the Loyal Publication Society, in 1863, and wrote some of its most popular publications. Among them "Slavery, Plantations, and the Yeomanry;" "The Arguments of Secessionists;" "No Party Now, but All for our Country;" "Amendments to the Constitution submitted to the consideration of the American People."

was another important contribution to the cause of his country and to the law of war. At the close of the war he was placed in charge of the Rebel Archives for the purpose of classifying and arranging them, a duty which occupied him for several months; and he was, at the time of his death, the umpire of the commission for the adjudication of Mexican claims.

Among the most perfect of all his minor writings at this period, was the small fragment entitled "Nationalism," which Garelli, the Italian publicist and author of "La Pace" calls *l'aureo opuscolo*—the Golden Tract. It contains within a very small compass a greater amount of political philosophy and a more condensed statement of the general truths derived from historic experience than was perhaps ever before embraced within the same space. It closes with this grand thought. "The civilized nations have come to form a community of nations, under the restraint and protection of the Law of Nations, which rules *vigore divino*.—They draw the chariot of civilization abreast, as the ancient steeds drew the car of victory."

America owes a large debt to Lieber. Probably no man has instructed so many of our countrymen in the truths of history, the canons of ethics, and the principles of political science. Nearly forty years of his life were spent in that service, years crowded also with industry in other departments, and in which he produced those great works which will in the future take their place beside the most important which

have appeared in the history of jurisprudence. His method of teaching was such as to make the subject attractive in the highest degree to his students, and they thoroughly understood everything they learned. He never read lectures but expounded his subjects in terse, familiar language, and impressed them by copious and happy illustrations. At the end of every recitation he gave out what for the next time they ought to read collaterally, and what peculiar subjects or persons they ought to study, besides the lesson. He caused them to read poetry and fiction, in connection with history, to see how great writers had conceived great characters. He relied much upon the blackboard. To one he would give chronology, to another geography, to another names, to another battles. Four large blackboards were in constant use at the same time, and often a considerable part of the floor besides. All names were required to be written down, sometimes sixty or seventy by one student, with a word or two showing that the writer knew what they meant. All places were pointed out on large maps and globes. All definitions were written on the blackboard in order that there might be no mistake. Foreign names were always written on the blackboard behind him. He always appointed a lesson, but the students when they came did not know whether they were to recite or to listen to a lecture, so that they always had to be prepared. Notes of his lectures were to be taken, and he required each student to have a blank book,

wherein they must enter titles of books and subjects to be studied in later life—such as were necessary for an educated man ; and he was particular in requiring this blank book to have a firm cover. He used to say that books were, like men, of little use without a stiff back. He frequently bound books himself. He was a man of generous mind, and was full of sensibility. He loved his students and was greatly beloved by them. On one occasion the competitors for the prize in his department of the law school at Columbia College, were writing their prize papers on the National elements in our Constitution, their genesis and history. For this purpose they were allowed two or three hours, during which they were obliged to complete their essays without assistance. At the end of the time, he was requested by his students to extend it for one of their number. “But why?” he asked. The answer was, “He was wounded at Fort Fisher in the right arm, and cannot write as fast as we can.” The instructor could only nod his assent and was obliged to turn quickly away to conceal the emotion which overcame him.

He was more than a mere teacher of a profound science. He embraced every opportunity to infuse the noblest sentiments into the minds of his pupils ; so that he could truly say, as in his prefatory address to his former pupils prefixed to his *Civil Liberty*. “You can bear me witness that I have endeavored to convince you of man’s inextinguishable individuality, and of the organic nature of society ; that there is no



right without a parallel duty, no liberty without the supremacy of the law, and no high destiny without perseverance—that there can be no greatness without self-denial.”

He was thoroughly American in all his feelings—as much so as if he had been born here. Few persons were so well acquainted with our history, or understood so well the character of our institutions. Few were so well versed in the political changes of this country, or knew so many of its leading men. He took a lively interest in all public measures, and followed attentively the course of legislation. He watched with anxiety every political crisis, and wrote and worked for what he considered the right side of every question. His interests and affections were bound up in America. He admired her institutions, but was not blind to their weak points, and labored constantly to strengthen and improve them. He often took an active part in public affairs, but never sank to the low level of a partisan. He felt an interest in all which concerned the welfare of his country, and was proud of all that added to her glory and her greatness. Yet his heart was true to his native land, and when the great war broke out which ended in the establishment of her supremacy and unity, he chafed because he could not go to her assistance. On the 22d of July 1870 he wrote, “I am writing at random, for my very soul is filled with that one word, one idea, one feeling—Germany. The stream of blood which will flow will probably not be very long, but very wide, wide like a lake, and

*America explained*



very deep." And again on the 18th August 1870, "My German letters confirm that all Germans are animated by the noblest feelings, and are ready to sacrifice money, life, everything, in defence of their country. The fathers of families, supporting them by their hands, refuse to be refused until the king is obliged to telegraph 'accept them,' and judges and civil officers of high station volunteer and join the ranks. And I sit here and write like a dullard. It is very hard." He was then seventy years of age, but the patriotic fire burned as brightly in his bosom as in the young days when he challenged the justice of despotic government or volunteered in the cause of Greece. In truth Francis Lieber belonged to the whole world. His thoughts and the course of his studies led him to regard nations only as different members of the same household. He illustrated in his life and writings the full force of the saying *ubi libertas ibi patria*. He hated oppression in every place and under every form. I once heard him say that his feelings were such towards Louis XIV. that he did not know how he could possibly speak to him if he met him in the next world. His catholic spirit overleaped in its sympathies all geographical lines and compassed all men in its boundless affection and solicitude. He regarded all christian and civilized states, as members of the same family, whose intercourse based upon reciprocal justice and kindness is necessary for the happiness of each, for "we are," as he himself said when speaking of Europe and Amer-

ica, "of kindred blood, of one Christian faith, of similar pursuits and civilization, we have one science and the same arts, we have one common treasure of knowledge and power. Our alphabet and numeric signs are the same, and we are members of one family of advanced nations."

For England, next to his native land and his adopted country, he had the greatest admiration. He called her a "royal republic," as Thomas Arnold many years later called her a kingly commonwealth. He had studied profoundly her constitutional history and the development of her institutions. There is no more eloquent passage in all his works, than that in the introduction to his *Civil Liberty*, in which he describes her as leading the van of nations in the dissemination of liberal principles—a passage of so much beauty that I cannot forbear to quote it here.

"England was the earliest country to put an end to feudal isolation, while still retaining independent institutions, and to unite the estates into a powerful general parliament able to protect the nation against the crown. In England we first see applied in practice and on a grand scale the idea which came originally from the Netherlands, that liberty must not be a boon of the government, but must derive its rights from the people. Here too the people always clung to the right to tax themselves, and here from the earliest times the administration of justice has been separated from the other functions of government and devolved upon magistrates set apart for this end—a separation not yet found in all countries. In England power of all kinds, even of the crown, has ever bowed, at least theoretically, to the supremacy of the law, and that country may claim the imperishable glory of having formed a national representative system of two houses, governed by a parliamentary law of their own, with that important element—at once conservative and progressive—of a

lawful loyal opposition. It is that country which alone saved judicial and political publicity, when secresy prevailed everywhere else; which retained a self-developing common law and established the trial by jury. In England the principles of self-government were not swept away, and all the chief principles and guarantees of her great charter and the petition of rights have passed over into our constitutions. We belong to the Anglican tribe which carries Anglican principles and liberty over the globe, because wherever it moves liberal institutions and a common law full of manly rights and instinct with the principle of an expansive life accompany it. We belong to that race whose obvious task it is, among other proud and sacred tasks, to rear and spread civil liberty over vast regions in every part of the earth, on continent and isle. We belong to that tribe which alone has the word self-government. We belong to that nation whose great lot it is to be placed with the full inheritance of freedom on the freshest soil, in the noblest site, between Europe and Asia—a nation young, whose kindred countries, powerful in wealth, armies, and intellect, are old. It is a period when a peaceful migration of nations, similar in the weight of numbers to the warlike migration of the early middle ages, pours its crowd into the lap of our more favored land, there to try, and at times to test to the utmost our institutions—institutions which are our foundations and buttresses, as the law which they embody and organize is our sole and sovereign master."

Lieber was extremely fond of historical as well as political studies and probably no man in this country had a more extensive or accurate knowledge of historical subjects. Not only was he acquainted with their minute details, but he explored their most hidden recesses. To use an expression which was familiar with him, he read history "between the lines." He knew its secret springs and was complete master of its philosophy. The Historical Society of Pennsylvania, of which he was so long a member, fitly unites the expression of its profound regret at the loss of this great

scholar, jurist, and philosopher, with those which proceeded from the whole world of science and of letters.

Of his personal habits, sentiments, and peculiarities I may add a few words. He was a firm believer in the Christian religion. His life was pure and conformed to its precepts. He was a Protestant and a zealous defender of religious as well as civil liberty. Nothing roused his indignation more than any attempt, proceeding from whatever quarter, to coerce men's consciences. Referring in one of his letters to the fact that in the first quarter of this century, Ferdinand VII. through the influence of the Spanish priesthood, had abolished the chairs of natural philosophy in the University of Salamanca, because the study of those sciences led to infidelity, he exclaims, "A fine God that of those priests; whether you approach him by reading the Bible or by reading Nature you are alike led to atheism. O God of Truth, how long? how long?" There was nothing which he abhorred so much as tyranny, and none whom he hated so much as tyrants. Of Louis Napoleon he said "His success has been owing to his being entirely untrammelled by conscience or honor, to his unlimited arrogance and his perfect freedom from shame."

\* In his views of the Constitution he was eminently national. He adopted the views of Hamilton and Madison. He hated the doctrine of state-rights (in the political sense in which it is commonly received), which he looked upon as the dry rot in the



ship of state. He believed the United States to be a nation and not a league of states.<sup>1</sup> He was opposed to that nice and strict construction of the constitution which would deprive the national government of its vigor and its unity. At the same time he defended the right of local self-government in all matters relating properly to the people of the several States. He was opposed to all efforts to confuse the boundaries which define the just limits of State and National authority. He was extremely hostile to a tariff, and a firm believer in free-trade, of which he was one of the most able champions, and to the defence of which he devoted many of his hours, writing many pamphlets and articles in support of his views.

He had very little time to devote to the natural sciences, for his studies lay in other directions, but he was well acquainted with their history and principal facts and theories, and with the lives of the great men eminent in those pursuits. He thoroughly despised the Darwinian theory of natural selection and development, and always spoke of it as Darwin's beast humanity. When great truths impressed themselves upon his mind he was in the habit of formulating them in a few weighty words. Thus in treating of the relationship of right and duty, he showed the intercompleting relation of the two, and the fatal mistake of supposing that liberty consisted in rights alone, and expressed it in the aphorism *Nullum jus sine*

<sup>1</sup> See his powerful argument in the pamphlet entitled "What is our Constitution—League, Pact or Government?" 1861.



*officio nullum officium sine jure.* No right without its duties, no duty without its rights; and this motto he had engraved at the top of his letters for many years before his death. ✓

He was jealous of his fame and greatly gratified when his works were appreciated. He did not disguise the pleasure he felt upon one occasion at hearing that a set of his works had been ordered from Australia. In one of his letters he speaks of the pleasure with which he had just read one of his earlier productions written thirty years before, and immediately apologizes for his self-admiration by telling the following story: "I once stood with the famous Mrs. Herz, the Platonic friend and student of Schleiermacher, when she was quite old, before her own portrait taken when she was young. She looked silently at the picture for some time, and then said 'she was very beautiful.' I was young then, but just returned from Greece and Rome and Niebuhr. The waves of my soul were short and boiling, and this saying touched me much."

He was a great lover of the fine arts. "What," he once wrote, "will become of the world when there will be no Raphael, no Apollo Belvidere, no Angelo—and that time will come." He took great delight in nature. A flower, even a leaf sometimes gave him the greatest pleasure. He was very fond of little children and their sayings. In recent letters which passed between himself and the poet Longfellow these two communicated to each other the sayings of some

little children. Children loved him, and in the cars and other places he would constantly make acquaintance with them and relate their sayings when he came home. He disliked all slang expressions and had an especial contempt for the common expression "a self-made man." A man once said to him, "Sir, I am a self-made man." "Indeed!" replied Lieber, "what a pity I was not present. I have long wished to be present when a man was making himself." He was very fond of fine and delicate perfumes, and used to say it was his only extravagance. He would often bring home little boxes filled with Lubin's violet, in which he particularly delighted. A little bottle stood in every room in which he habitually came.

It was his habit in reading or studying to use a great number of book-marks. These consisted of narrow strips of pasteboard, upon each one of which was usually written some important historical date, some pregnant maxim, or some weighty saying. He was exceedingly industrious, as may be easily seen in the great number and variety of his productions. His table and every chair in the room were always covered with books and papers. He was very seldom idle. At one period of his student life in Germany he allowed himself only four hours of sleep, and his food at that period often consisted of nothing but bread and apples. While in South Carolina it was his habit to write at his books until one o'clock and often later in the night, and afterwards to rise early enough to be in his class-room and deliver his lec-

ture from 7 to 8 o'clock; always preferring that hour that he might have more time during the day for his own work. Over the door of his house in New York he had placed "Die Studirende Eule"—the owl studying; and on the ceiling were painted these words

Patria Cara  
Carior Libertas  
Veritas Carissima.



Over the door of his library hung the panel of a bench saved from the fire which destroyed the chapel of South Carolina College, on which he had painted the saying of Socrates *ΧΑΛΕΠΙΑ ΤΑ ΚΑΛΑ*—all noble things are difficult. On the seal, which he adopted in his youth were the words *Perfer et Sperne*. In his library hung what he called his *Stella duplex*—William of Orange and Washington, engravings of whom he had arranged and framed upon one card, with, on one side, the motto of William of Orange *Sævis tranquillis in undis*, and on the other (Washington having no motto of his own) *Tenax et Integer*. Another *Stella duplex* similarly arranged contained the likenesses of Hampden and Pym: above them the words *Nulla vestigia retrorsum*, and underneath—

MDCXL.

*Claris Civibus*  
*Probis et audacibus*  
*Hæres gratus et compos*  
*Libertatis expugnatae*  
*Et defensor.*

In his bed-room he had busts of Plato, Schiller and Alexander Hamilton, whom he greatly admired, and over the mantel-piece his favorite—Hugo Grotius.

He was very fond of poetry, and when those who loved him came, after his death, to examine his papers they found scattered everywhere through his journals, on scraps of papers, and on packages of weightier matters, some little poem, some great thought, some beautiful sentiment. His correspondence was very extensive, embracing many of the most distinguished men of this country and abroad, Humboldt, Niebuhr, Bunsen, Mittermaier, Laboulaye, Bluntschli, Heffter, Von Holzendorff, De Tocqueville, Rolin-Jacquemyns, Pierantoni, and many others renowned in letters and science. He enjoyed the sprightly letters of bright and refined women and they were always deeply interested in him. His own letters, like his conversation, charmed every one with the humor with which they abounded, and the instruction which they conveyed. *Start* (His disposition was happy and cheerful, but at times, especially when during the war public calamities seemed to threaten his country—clouded by an indescribable sadness. From his earliest years he formed strong attachments. He had the most devoted friends. His love for his mother was most touching, and his domestic life was beautiful in its simplicity and devotion. As one who knew him best and loved him most has truly said “few men combined so much greatness and power with so much loveliness.”

His death was very sudden and was caused by an affection of the heart. He had been unwell for a day or two and remained at home. His wife was reading to him. It was her constant habit to do so and was one of the greatest enjoyments of his life. He interrupted the reading with an expression of pain and almost immediately expired. He was in the seventy-third year of his age.

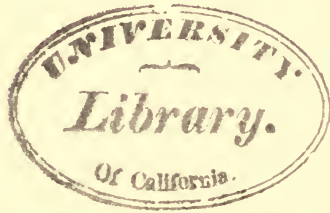
Doctor Lieber was married on the 21st Sept. 1829, and left at his death a widow and two sons. Captain Hamilton Lieber and Major Norman Lieber, both of them officers in the Army of the United States.

Nature gave to Francis Lieber a robust frame. He was short in stature, compact and muscular. In his younger days noted for his strength. His head was massive. His eyes deep-set, beneath a brow broad and noble. His countenance indicated the thoughtful repose and conscious power of a great mind.

[Thus have I endeavored with a feeble hand to delineate the character of a great man, conspicuous alike for his patriotism and attainments; whose writings impressed his thoughts indelibly upon the age, and like those of Grotius and Montesquieu constitute a distinct landmark in the history of public law and political science. A man whose learning and intellectual power have conferred honor upon our country, and whose usefulness as a citizen has merited its gratitude. If my ability had been equal to my love and reverence for his memory, the picture



would have been more worthy of him and would have better portrayed his noble qualities. But his imperishable works are his best memorial, and his fame will be secure in the lap of history ; for as he himself said, at the unveiling of the Statue of Humboldt, quoting the grand words of Pericles, "THE WHOLE EARTH IS THE MONUMENT OF ILLUSTRIOUS MEN."



*New York Nation. October 17, 1872.*

—The death of Doctor Lieber, on the afternoon of the 2d inst., at the age of seventy-two years, was the close of a checkered as well as a distinguished career. He witnessed the humiliation of his country at Jena, and helped to revenge her in the Hundred Days, and he saw her completed triumph over the hated enemy at Metz and Sedan. Born in 1800, he was at the age of fifteen a soldier of the German army of invasion, and was wounded at Namur. He used to relate an anecdote of the field of Waterloo, which illustrates his strong sense, his pugnacity, and his dogged self-reliance. Seeing, as the time for engaging the enemy came on, that some of his companions superstitiously threw away their packs of cards, and being angered at this weakness, he, though no card-player, picked up one of the packs and put it into his knapsack. A youth like this may be supposed to have had views of rights and duties not precisely in accord with those of the Holy Alliance, and we find him under arrest before he was twenty-one years old as suspected of sedition. Disgusted, he sought Greece and the revolution, reaching his goal by taking certain liberties with his passports, and having on his arrival hardly a farthing in his pocket. No fighting, no glory or money, was then obtainable. Young Lieber soon made his way back as far as Italy, where Niebuhr, then Ambassador to the Vatican, and the Chevalier Bunsen befriended him and made him a friend. He has pleasantly recorded his recollection of the great historian, in a work published later, in this country. From Italy he went to Germany again; thence, being again "suspect," to England, where he taught private pupils and wrote for German periodical publications; thence, at the age of twenty-seven, to this country. Here he made friends, lectured, taught school, gave instruction in swimming, for he believed in physical education also; made an "Encyclopædia Americana" (based upon Brockhaus's "Conversations-Lexicon"), which was of very good service; wrote many volumes on numerous social subjects and matters of jurisprudence, and law, and political philosophy; became a professor in the South Carolina College; lost that place on account of his loyalty, which was unflinching, and, finally, was appointed to a professorship in Columbia Law School in this city. This position, which he received in 1858, he held at the hour of his death.

—The subject to which Dr. Lieber's writings were chiefly devoted—a knowledge of the principles or universal rules which ought to prevail in

government, general law, and politics—is a department of knowledge associated with the names of Aristotle, Plato, and Montesquieu. It is one for which the writer must have not only an especial aptitude, but which, at the present day, demands a vast extent of knowledge and years of laborious application before anything can be produced to which the world will attach a permanent value. The writers in this department have been many. Those who have attained distinction have been few, and Dr. Lieber may fairly be considered one of the number. The volumes upon which his reputation as a publicist will chiefly rest are his "Manual of Political Ethics," "Legal and Political Hermeneutics; or, The Principles of Interpretation and Construction in Law and Politics"; and his "Civil Liberty and Self-Government"; in addition to which he has written numerous tracts, such as "The Origin and Development of the First Constituents of Civilization," essays upon "Property and Labor," "The Laws of Property," "Penal Laws," "Penitentiary Systems," "Prison Discipline," "The Relation between Education and Crime," "The Pardoning Power," "The Regulation of Armies," "International Copyright," "Nationality and Internationality," etc., etc., etc. It would be impossible within our limits to speak adequately of works embracing so wide a range, and upon subjects so important. Among them, his "Manual of Political Ethics," a work in two volumes, is one of the most remarkable and valuable. It is a storehouse of political wisdom, embracing a great variety of topics upon which the conclusions of the writer are given, and is distinguished for its profoundness, originality, and its exhaustive treatment of one of the most difficult of subjects. Chancellor Kent commends it for its erudition and the excellence of its doctrines; Judge Story for its sound common sense, varied learning, and profound views of government. By English critics it was com-

*over*



pared favorably with the great work of Montesquieu, and regarded as pre-eminent among works on political science. Professor Greenleaf, a very competent judge, speaks of "The Legal and Political Hermeneutics" as a most lucid exposition of the principles and admirable illustration of the science of interpretation and construction, and says in respect to Lieber's writings generally, that he always leaps into the deepest water, and always comes up like a good swimmer—an observation borne out by the remark of Chancellor Kent, that when he read Lieber's books he always felt that he had a sure pilot on board, however dangerous the navigation. There was something more in this than mere compliment, for many of the topics discussed in the "Political Ethics" were at the time new, doubtful, and difficult; and Lieber lived to find conclusions which he had arrived at, and was the first to express thirty years ago, referred to by writers of the present day as familiar political truths, without perhaps any conception on the part of the writer of the source whence they were derived. His "Civil Liberty and Self-Government" was written to complete that portion of his "Political Ethics" which treats of liberty as a political right, the security of which depends upon civil institutions, or, as he denominates it, "institutional liberty." This is perhaps the best-known of his productions, and has received the highest commendation not only in this country, where his reputation never stood sufficiently high, although the war made his name and his patriotism known to his countrymen, but in Europe also. Professor Creasy of London, author of "The Rise and Progress of the British Constitution," calls it a great work, and publicists like Von Mohl and Mittermaier confirm that judgment. One other foreign judgment of him as a publicist may be added, that of Garelli, the eminent Italian jurist, author of "La Pace," who calls Lieber's pamphlet on "Nationality" *l'aureo opuscolo*—the Golden Tractate. A writer upon such weighty topics can scarcely hope to be appreciated during his life. He must be content to abide the slow judgment of posterity, and Lieber, who, from his childhood, was of a sensitive organization, felt this want of appreciation, especially in his old age, and particularly in this country, to the exposition of whose institutions the chief labor of his life may be said to have been devoted. He could not, and would not if he could, write a brilliant, superficial, and attractive work like De Tocqueville's "Democracy in America," for the aim of his writings was not speculative thought but utility. In the treatment of his subjects he was eminently practical. With his strong common sense and conscientious honesty, he was enabled to dispel the visionary dreams of many previous political writers, and to reach political truths which rest upon a sure and solid foundation. He had great breadth and comprehensiveness, and, as a writer, was lucid and axiomatic, but lacked constructiveness, or the power of judiciously arranging and treating a subject, and treating of it in its appropriate parts. This may account for the fact that his "Political Ethics" has attracted so little attention in the United States, for it is only those who have carefully perused and studied it who can duly appreciate the extent of his erudition, or the value and importance of his views. He was not very successful in definitions. His power as a writer lay in making things plain by illustrations, and, throughout his volumes, what was new and obscure, or difficult, is made at once palpable by some homely image, or by a felicitous

reference to some historical anecdote or incident. His value to us was the greater, as he was one of the few publicists who believed in republican government; who had an equally clear insight into its merits and its defects; who, for forty-three years, had been a keen observer of its practical working in this country; and who was able to write upon it with a breadth of view and an extent of knowledge that commanded attention and respect. His rank as a writer will be that of a political moralist of weight and authority, and as an expounder alike of the true nature of political liberty and of the way to secure it; and it is gratifying to be able to say that his life was throughout in consonance with his teachings.













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